



UNITED STATES OF AMERICA
Federal Trade Commission
HEADQUARTERS (HQ)

Patrick Roy
Bureau of Consumer Protection
Phone: (202) 326-3477
Email: proy@ftc.gov

March 11, 2020

The Hon. Andrew M. Edison, U.S. Magistrate Judge
United States Courthouse
601 Rosenberg Avenue, Seventh Floor
Galveston, TX 77550

RE: *FTC v. iBackPack of Texas, LLC*, No. 3:19-cv-00160

Dear Judge Edison:

In an effort to avoid potential confusion, the Federal Trade Commission (“FTC”) writes to set forth its understanding of its filing deadline with respect to its Motion for Summary Judgment against defendant Douglas Monahan (Dkt. 35).

Earlier today, the FTC received by ECF defendant Monahan’s Opposition to Summary Judgment (Dkt. 41), which Monahan presumably mailed to the Clerk on March 6. (Monahan, who is appearing *pro se*, files his submissions by mail.) The Certificate of Service for Monahan’s opposition states that it was served by e-mail and first-class mail on March 3, but this statement is not correct: the FTC had not been sent the opposition papers before today’s ECF.¹

As such, the FTC understands the deadline for its reply to the opposition to be Wednesday, March 18. *See* Court Procedures § 6.C.4 (“Movant may file a reply within seven calendar days after the non-movant’s response.”). The FTC writes in hopes of preventing the misimpression that it failed to timely reply to an opposition.

In addition, it is the FTC’s understanding that defendant Monahan may have mailed additional motions to the Clerk; we understand the gist of these motions to be that Monahan would like to file a different opposition brief at some future date.² Based on the information currently available to it, the FTC expects that it would oppose such relief.

¹ As of this writing, Mr. Monahan has declined to send a copy of his opposition to the FTC, despite multiple communications from the FTC on this point. (See attached.)

² Monahan did not confer with the FTC before mailing these motions to the Clerk’s Office.

Respectfully,

/s/ Patrick Roy, Counsel for Plaintiff

cc: Douglas Monahan

Attachment

Hanks, Daniel

From: Hanks, Daniel
Sent: Monday, March 9, 2020 1:27 PM
To: 'douglas.monahan@ibackpack.net'
Cc: Roy, Patrick
Subject: RE: Box You Are Receiving Today Has Wrong Intro Letter - Real One is being Sent via Couiier Today

Mr. Monahan,

Although we have received several other communications from you today, we still have not received the opposition that you state you sent to the Court on Friday. As you are aware, you are obligated to serve the FTC with papers that you submit to the Court, and you agreed to send these papers to the FTC by secure file transfer. Those papers should have been sent to the FTC on Friday, at the same time as they were sent to the Court.

Please **immediately** use one of the secure file transfer links that we have provided to send us the materials sent to the Court (the opposition and any attachments or exhibits).

Kind regards,

Daniel O. Hanks
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
(202) 326-2472

From: Hanks, Daniel
Sent: Monday, March 9, 2020 11:07 AM
To: 'douglas.monahan@ibackpack.net' <douglas.monahan@ibackpack.net>
Cc: Roy, Patrick <proy@ftc.gov>
Subject: RE: Box You Are Receiving Today Has Wrong Intro Letter - Real One is being Sent via Couiier Today

Mr. Monahan,

As you are aware, the Federal Rules of Civil Procedure require that you serve the FTC with any filings or other matters that you submit to the court. You have agreed to serve the FTC with your opposition to summary judgment, and any attachments or exhibits to that opposition, by secure file transfer, and the FTC has provided you with secure file transfer links for that purpose, including a link sent on Friday afternoon.

The below e-mail states that you have submitted to the Court your opposition and exhibits on Friday; however, we have not received a secure file transfer link with these papers. In addition, the below e-mail references another submission to the court that is being sent today.

We are sending new secure file transfer links today. We expect that you will promptly use these links today to send the FTC the papers that were sent to the Court on Friday and any papers that are sent to the Court today.

Kind regards,

Daniel O. Hanks
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
(202) 326-2472

From: douglas.monahan@ibackpack.net <douglas.monahan@ibackpack.net>
Sent: Monday, March 9, 2020 9:39 AM
To: william_bostic@txs.uscourts.gov
Cc: Hanks, Daniel <dhanks@ftc.gov>
Subject: Box You Are Receiving Today Has Wrong Intro Letter - Real One is being Sent via Couiier Today

Mr. Bostwick:

I am the defendant in the FTC vs. iBackPack CASE NO. 3:19-cv-0060. My response was sent via US Mail on Friday. It contains all of my supporting documents; however a DRAFT of the introduction was included by mistake. The real 25 page Letter is being sent via courier today.

I live in Friendswood, about thirty miles north of Galveston, so a box mailed on Friday should arrive in your offices today. It is a normal USPS box. My phone is 512.281.6533. Judge Edison is on the case. I am representing myself pro se.

The document you will receive today is 25 pages whereas the draft was only 11.

Thank you, Doug Monahan